

John Boehner
Chairman
8th District, Ohio

*House Meets at 12:30 p.m. for Morning Hour
and 2:00 p.m. for Legislative Business
(No Votes Before 5:00 p.m.)*

Anticipated Floor Action:

H.R. 5—IDEA Improvement Act

H.R. 914—Technical Amendments to the Higher Education Act

**H.Con.Res. 49—Authorizing Use of the Capitol Grounds for the Greater
Washington Soap Box Derby**

**H.Con.Res. 66—Authorizing Use of the Capitol Grounds for the National Peace
Officers' Memorial Service**

**H.Con.Res. 67—Authorizing the 1997 Special Olympics Torch Relay to be Run
Through the Capitol Grounds**

H.Con.Res. 73—Sense of Congress Regarding the Death of Chaim Herzog

**H.Res. 103—Expressing the Sense of Congress that the U.S. Should Maintain
Troops in Asia and the Pacific Region**

H.R. 2—Housing Opportunity and Responsibility Act



Bills Considered Under Suspension of the Rules

Floor Situation: The House will consider the following seven bills under suspension of the rules as its first order of business today. Each is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

H.R. 5—Individuals with Disabilities Education Improvement Act authorizes such sums as necessary for federal grants to help schools improve the quality of education for students with disabilities. Specifically, the bill (1) authorizes grants to help states educate infants and toddlers with disabilities; (2) consolidates the discretionary programs which provide state improvement grants for

special education reform; (3) allows schools to discipline students with disabilities for engaging in disruptive behavior unrelated to their disability, and allows students with disabilities to be temporarily withdrawn from the classroom if they bring a weapon or put themselves or others in danger, as long as educational services are still provided; (4) distributes grant money to the states based on the number of students that they serve until federal appropriations reach \$4.9 billion, after which the funding distribution will be based on the total state population and poverty level; (5) allows local school districts to replace local funding with federal funding once Congress increases annual appropriations for programs for students with disabilities to at least \$4.1 billion; (6) consolidates discretionary programs for research, teacher training, and demonstration programs; (7) requires states to establish a voluntary mediation system between parents and school districts to address situations when one party feels that a student's needs are not being met; (8) eliminates attorney's fees for individualized education plan hearings; and (9) permits due process hearing officers—instead of the courts—to decide if a child should be withdrawn from the classroom. A CBO cost estimate was unavailable at press time. The bill was introduced by Mr. Goodling et al. and ordered reported by the Education & the Workforce Committee by voice vote.

H.R. 914—Technical Amendments to the Higher Education Act, as originally passed by the House, amends the student right-to-know provisions of the Higher Education Act of 1965 to conform reporting requirements for the graduation rate of student athletes to the reporting requirements for the graduation rate of the student body-at-large. The bill is being considered again to (1) authorize \$650,000 for a four-month commission to study the rising costs of higher education; (2) extend from January 1, 1998, to January 1, 1999, the deadline for the Education Secretary to report the results of an evaluation of federal grants to improve the education of disadvantaged children; (3) allow the Education Secretary to accept Kansas' and New Mexico's application for Impact Aid funds; (4) make technical corrections to extend the "hold-harmless" provision for federal property payments through FY 2000; (5) require that any appropriations over \$17.5 million be distributed to all eligible districts; and (6) ensure that expenditure data is included in a school's financial profile. An updated CBO estimate was unavailable at press time. The bill was introduced by Mr. McKeon and Mr. Kildee, and was passed by the House by voice vote on March 11, 1997. The Senate passed an amended version by unanimous consent on April 16.

H.Con.Res. 49 authorizes the use of the Capitol grounds on July 12, 1997, for the 56th annual Greater Washington Soap Box Derby. The resolution also authorizes the Capitol Police Board, the Architect of the Capitol, and the Greater Washington Soap Box Derby Association to negotiate the arrangements for the event in compliance with the rules and regulations governing the use of the Capitol grounds. The resolution was introduced by Mr. Hoyer and was reported by the Transportation Committee by voice vote.

H.Con.Res. 66 authorizes the use of the Capitol grounds on May 15, 1997, for the sixteenth annual National Peace Officers' Memorial Service. The memorial service honors the 117 law enforcement officers who were killed in the line of duty last year. The resolution was introduced by Mr. Kim and was reported by the Transportation Committee by voice vote.

H.Con.Res. 67 authorizes the 1997 Special Olympics Torch Relay to be run through the Capitol grounds. This event will take place on June 13, 1997, and will be part of the torch relay to the District of Columbia Special Olympics Summer Games being held at Gallaudet University. The resolution permits the use of open flames on the Capitol grounds for this event under the supervision

and authorization of the Capitol police and the Architect of the Capitol. The resolution was introduced by Mr. Kim and was reported by the Transportation Committee by voice vote.

H.Con.Res. 73—Sense of Congress Regarding the Death of Chaim Herzog expresses the remorse of Congress over the death of the sixth president of Israel, Chaim Herzog, who died on Thursday, April 17, 1997. Mr. Herzog was a hero of the Second World War who became chief of military intelligence in Israel and was known as an astute radio commentator during the Six-Day and Yom Kippur wars. In 1981 he became a Labor party member of Israel's Parliament, the Knesset, and in 1983 was elected as president of the State of Israel for two five year terms. Mr. Herzog was a good friend of the United States and as president of Israel had the honor of addressing a joint meeting of the U.S. Congress in November 1987. The resolution was introduced by Mr. Burton and was ordered reported by the International Relations by voice vote on May 6, 1997.

H.Res. 103—Expressing the Sense of Congress that the U.S. Should Maintain Troops in Asia and the Pacific Region expresses the sense of the House that the United States should maintain approximately 100,000 U.S. military personnel in the Asia-Pacific region until there is a peaceful and permanent resolution to the major security and political conflicts in the region. The resolution was introduced by Mr. Bereuter and was ordered reported by the International Relations Committee by voice vote on May 6, 1997.

Additional Information: See *Legislative Digest*, Vol. XXVI, #13, May 9, 1997.



H.R. 2—Housing Opportunity and Responsibility Act

Floor Situation: The House will continue considering amendments to H.R. 2 after it completes consideration of the scheduled suspensions. Last Thursday, the House completed consideration of amendments to Title IV and began considering amendments to Title V under an open rule. The rule waives House rules which (1) require that committee reports be available for three days prior to consideration, (2) require a CBO cost estimate in the committee report, and (3) prohibit appropriations in a legislative bill. The rule accords priority in recognition to members who have their amendments pre-printed in the *Congressional Record*. It allows the chairman of the Committee of the Whole to postpone votes during consideration, and reduce the voting time on a postponed vote to five minutes, so long as it follows a regular 15-minute vote. Finally, the rule provides one motion to recommit, with or without instructions.

Summary: H.R. 2 replaces the 1937 United States Housing Act—the basis of all federal housing programs—with a new housing framework. The bill consolidates into a new block grant program the existing programs through which tenant-based rental assistance is currently provided through Section 8 certificates and vouchers. It creates new rental assistance programs very similar to vouchers, known as “Choice-Based Housing Assistance,” which provide rental assistance for a single year at a time (currently, most vouchers provide assistance for two years) and allow families to use their vouchers for housing anywhere in the United States.

The bill also:

- * deregulates the public housing system by giving more decision making responsibilities to the nation's 3,400 public housing authorities (PHAs);
- * repeals the so-called "Brooke Amendment" and allows recipients to pay either a flat rent or an amount up to 30 percent of their income;
- * requires able-bodied individuals who live in public housing or who receive rental assistance to contribute eight hours of community service per month or participate in an accepted economic self-sufficiency program (e.g., job training);
- * authorizes HUD to issue rules prohibiting businesses from charging excessive and unnecessary fees (such as advice) to senior citizens when obtaining FHA-insured reverse mortgages;
- * requires that up to 35 percent of residents have incomes at or below 30 percent of area median income (65 percent of new tenants may be from the "working poor," those who hold jobs and earn no more than 80 percent of an area's median income); and
- * makes federal housing grants through the Department of Housing and Urban Development (HUD) available to local governments to implement locally-developed proposals upon HUD's approval of the plan.

The bill freezes authorization levels for approximately 37 percent of programs under HUD's jurisdiction at \$6 billion for each of the next five fiscal years. The bill also continues authority to renew Section 8 project-based assistance at current levels, subject to appropriations. CBO estimates that enactment may result in net discretionary outlays of \$42.6 billion over the next five years, if Congress appropriates the total amounts authorized in the bill. However, CBO estimates that the bill does not affect direct spending so pay-as-you-go procedures do not apply. H.R. 2 was introduced by Mr. Lazio and was reported by the Banking & Financial Services Committee by a vote of 28-19 on April 23, 1997.

Amendments: The House will vote on the following amendments to H.R. 2 which were considered, but not voted on, last Thursday, May 8:

- * an amendment by **Mr. Kennedy (MA)** (#12) to alter the bill's assisted housing income targeting provisions. Currently, the bill reserves at least 40 percent of tenant-based Section 8 vouchers (renamed choice-based assistance in the bill) for families with incomes at or below 30 percent of the area median income, with the remainder going to families who earn up to 80 percent of area median income. The amendment requires that 75 percent of choice-based rental vouchers issued each year be provided to families with incomes below 30 percent of the area median income. It also requires that all choice-based assistance be reserved for families making less than 50 percent of the median area income, the same level mandated under current law. *Staff Contact: Scott Olson, x5-5111*

- * an amendment by **Mr. Kennedy (MA)** (#13) to delete Title IV of the bill, which creates a performance agreement option to allow local governments, upon HUD's approval, to receive federal assistance to develop and administer their own flexible low-income housing programs (otherwise, the funding is provided directly to the public housing authority). *Staff Contact: Scott Olson, x5-5111*
- * an amendment by **Mr. Vento** (#25) to strike provisions of the bill that create a Housing Evaluation and Accreditation Board to evaluate the performance of local housing authorities. The bill creates the 12-member board to conduct a six-month study of alternative methods to evaluate the performance of public housing agencies. The amendment eliminates the board but allows the study to be conducted by the HUD Secretary. *Staff Contact: Kristen Johnson, x5-6631*

At press time, the *Legislative Digest* was aware of the following other amendments to H.R. 2:

Title V — Accountability and Oversight of Public Housing Agencies

Mr. Davis may offer an amendment to allow HUD to exempt families who live in low-income housing and who receive rental assistance from (1) community service work requirements, (2) target dates by which a tenant must leave a unit, and (3) minimum rent requirements, when HUD takes over the management of a troubled PHA. *Staff Contact: David Boden, x5-5006*

Mr. Towns may offer an amendment (#53) to require HUD to assess and eradicate pest infestation problems in public housing as part of the requirement for interim housing authority performance indicators. The member points to a study that links rising youth asthma with cockroach infestation. *Staff Contact: Sherry Newton, x5-5936*

Title VI — Repeals and Related Amendments

Mr. Gutierrez may offer an amendment (#7) to allow the owner of a Section 8 housing development, in which 15 percent of the tenants pay more than 60 percent of fair market value, to cap rent at 60 percent of fair market value. Once more than 40 percent of the tenants pay at least the 60 percent cap, the cap may no longer be offered to new tenants. The member argues that this amendment will encourage mixed income housing and build up low income communities. *Staff Contact: Laura Scharfenberg, x5-8203*

Mr. Smith (MI) may offer an amendment (#54) to strike the provision that allows anyone living in public housing to own a pet. Current law allows only the disabled and the elderly to own pets. *Staff Contact: Harrison Fox, x5-6276*

Title VII — Affordable Housing and Miscellaneous Provisions

Mr. McCollum may offer one of two amendments (#16 or #17) to (1) prohibit HUD from establishing a national occupancy standard (the bill currently contains a similar prohibition); (2) affirm the rights of the states to establish their own occupancy standards; and (3) set a national default standard

in the absence of any state standards. The amendments differ in how they define the default standards in the absence of state standards. Amendment #16 establishes occupancy standard of two persons per bedroom, as defined in a 1991 HUD memo, while Amendment #17 establishes an occupancy standard of two persons plus infants per bedroom. *Staff Contact: Jenn Hargon, x5-2176*

Mr. Nadler may offer an amendment (#52) to authorize the sale of a federal building on 7th Ave. in New York City to a qualifying nonprofit organization that will use it for low-income housing. The amendment allows the building to be sold for 75 percent or less than the fair market value as long as it is used for low-income housing for at least 30 years. *Staff Contact: Zachary Katznelson, x5-5635*

The Kennedy Substitute

Mr. Kennedy (MA) may offer an amendment in the nature of a substitute (#10) to (1) abolish the Brooke Amendment and allow PHAs to charge residents up to 30 percent of their income, while allowing maximum rents; (2) establish a minimum rent of between \$0 and \$25 (the bill sets a minimum between \$25 and \$50) with mandated hardship exemptions for those families, including legal immigrants, who have lost any type of public assistance because of the 1996 welfare reform law; (3) require housing authorities to reserve 40 percent of public housing units for families with incomes at or below 30 percent of the area median income, while making 90 percent of units available to families with income at or below 60 percent of the area median income and the remaining 10 percent to families with incomes at or below 80 percent of the area median income (H.R. 2 requires that up to 65 percent of new tenants be from the “working poor,” those who hold jobs and earn no more than 80 percent of an area’s median income. At least 35 percent of the remaining new resident’s would be those earning less than 30 percent of the median income in the area).

Furthermore, the substitute:

- * requires a housing authority to target 75 percent of its Section 8 tenant-based rental housing assistance to families with incomes at or below 30 percent of the area median income, and target all assistance toward families who make 50 percent or less of the area median income;
- * requires housing authorities to encourage the tenants to volunteer in their community;
- * authorizes the creation of a board within HUD to determine how to improve its methods of evaluating the performance of PHAs and raise those issues with Congress;
- * streamlines and consolidates the funding streams for public housing, establishing an operating fund to cover day-to-day operations and a capital fund to cover modernization expenses and other capital costs;
- * establishes a mixed-finance program so that PHAs can use their operating and capital funds in conjunction with other federal, state, local and conventional funds to make mixed-income housing;

- * merges the two tenant-based rental housing assistance programs (Section 8 certificate and voucher programs) into one tenant-based assistance program; and
- * expands the drug elimination program to permit formula-based funding to PHAs that demonstrate a need, based on crime data, to administer crime reduction programs, such as installing security systems in the developments or conducting after-hour programs for at-risk youth.

To list some of the major differences between the Kennedy substitute and H.R. 2, the substitute does *not* (1) repeal the 1937 Housing Act; (2) require public housing tenants to perform community service or sign self-sufficiency contracts, (3) create an accreditation board for PHAs, (4) require PHAs to establish market rents for each public housing unit, (5) create a local performance agreement alternative, and (6) permit PHAs to meet their targeting requirements by increasing the number of low-income families in their tenant-based assistance programs above the mandated targeting requirement. ***Staff Contact: Nancy Libson or Angela Garcia, Housing Subcommittee Minority Staff, x5-7054***

Additional Information: See *Legislative Digest*, Vol. XXVI, #11, April 25, 1997.



PLEASE NOTE: UNDER AN OPEN RULE, MEMBERS MAY OFFER ENTIRELY NEW AMENDMENTS TO A BILL AT ANY TIME, REGARDLESS OF WHETHER THEY HAVE BEEN PRE-PRINTED IN THE *CONGRESSIONAL RECORD*.

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